

**State of California  
The Resources Agency  
DEPARTMENT OF FISH AND GAME**

**Responses to Public Comments for Changes in the 2007-  
2010 Mammal Hunting and Trapping Regulations Received by the Fish  
and Game Commission Between  
February 3, 2007 and April 13, 2007**

**Sections 360, 361 – Deer – General Recommendations**

Description of Proposed Action by Public: Double deer tag fee and issue one-half the current number of tags.

Proposal Source: Irol C. Covery (letter dated February 26, 2007)

Recommendation: Reject

Analysis: Deer hunting seasons and tag quota's are established based on a combination of herd performance, harvest, terrain, weather patterns, and hunter demand, relative to individual deer herd management plan objectives. An allowable buck harvest (ABH) is calculated using individual herd performance data. The tag quota for individual zones or zone complexes is set at a level that will not exceed the ABH. The Department rejects this proposal because it is inconsistent with objectives outlined in individual deer herd management plans and would unnecessarily restrict hunter opportunity.

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**Sections 360, 361 – Deer – General Recommendations**

Description of Proposed Action by Public: Issue a first deer tag for archery and a first deer tag for rifle.

Proposal Source: Joseph Arrendondo (e-mail dated March 7, 2007)

Recommendation: Accept with modification

Analysis: Current management in the A, B, C, and D zones allow the hunter to utilize a general season tag during both the archery (using archery equipment only) and during the general season (using any of the authorized methods of take defined in Section 353.

X zones are managed to provide a quality experience for hunters drawing a tag, with quality being defined as an opportunity to harvest a mature buck while not having to compete with many other hunters.

In order to provide that experience, an allowable buck harvest (ABH) is calculated using individual herd performance data. The tag quota for individual zones or zone complexes, utilizing hunter demand and weapon success, is set at a level that will not exceed the ABH. The Department rejects this proposal because it is inconsistent with objectives outlined in individual deer herd management plans and DAU plans, and would unnecessarily restrict hunter opportunity.

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**Subsection 360(c) - Deer: Additional Hunts**

Description of Proposed Action by Public: Proposes increasing the tags for J16 to 20-150.

Proposal Source: David J. Valle (e-mail dated March 6, 2007)

Recommendation: Reject

Analysis: The A, B, and D zone complexes are managed to maximize the hunter's opportunity to go hunting without any overall impact to the population size. This is accomplished by maintaining high tag quota's and adjusting them accordingly based on an index of hunter success, fall composition counts, and population trends. Population data which indicates an increase in any one year is not a trend and must be analyzed in conjunction with the other factors identified to justify any tag increases in these zones.

The harvest buffer is established to account for unpredictable mortality factors such as favorable hunting weather (early weather causes deer to be more susceptible to hunting loss) disease, accidental death (including road kill), and wounding/crippling loss. Although the harvest buffer on occasion may be utilized to account for higher than predicted mortality (due to hunting and/or the other factors identified above) it should not be relied upon for permanent increases in tag quotas. Reducing the harvest buffer increases the chances for over-shooting the population.

The Department agrees it is important to provide junior hunting opportunity. Juniors are currently able to receive tags to hunt the general season in all of these zones in addition to J16. Increasing the number of tags available for this hunt would cause decreases in bucks available to other general season hunters in opposition to the management strategy for this zone. The Department appreciates the Plumas Fish and Game Commissioners assurances that any approval necessary from the Plumas County Board of Supervisors will be received. However, since this is an either-sex hunt increasing the number of tags available to the level suggested will likely result in an increase in bucks taken that may lead to a reduction in general hunter opportunity.

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**Subsection 360(c) - Deer: Additional Hunts**

Description of Proposed Action by Public: Implement dedicated general muzzleloader season within Lassen County.

Proposal Source: Rob Hill, Chairman, Lassen County Fish and Game Commission (letter dated March 28, 2007)

Recommendation: Accept with modification

Analysis: The Department has proposed four (4) additional muzzleloader hunts for the 2007 season within Lassen County: M3 – Doyle Muzzleloading Rifle Buck; M4 – Horse Lake Muzzleloading Rifle Buck; M5 – East Lassen Muzzleloading Rifle Buck; and M8 – Bass Hill Muzzleloading Rifle Buck. Fifty-five (55) total tags are available for the 2007 season. Additionally, muzzleloading rifles can currently be used during the general seasons in all of California's deer zones.

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**Section 361. Archery Deer Hunting**

Description of Proposed Action by Public: Recommends establishing more late season archery hunts.

Proposal Source: Brian Campbell (e-mail dated November 29, 2005)

Recommendation: Reject

Analysis: The Department consistently strives to optimize hunter opportunity so long as it is biologically and statutorily feasible. The Department's proposed regulations provide for numerous late season archery hunts. When herd performance meets individual deer management plan objectives and there is a specific substantial public demand for expanding late season archery hunting opportunity in the A and B zones, the Department may recommend the implementation of such a proposal. At this time, herd performance data and the minimal public support in these zones for expanded late season hunting does not support the recommendation for expanding late season archery hunting.

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**Section 361. Archery Deer Hunting**

Description of Proposed Action by Public: Opposes implementing a late season archery hunt, and corresponding increase in the overall tag quota, for zones D3-5.

Proposal Source: Greg Strang (letter dated March 10, 2007)

Recommendation: Accept

Analysis: An analysis for a late season archery hunt for zones D3-5 was included as an alternative in the regulatory package by the Fish and Game Commission. The Commission did not approve this alternative for implementation at its April 25, 2007 teleconference meeting.

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**Section 361. Archery Deer Hunting**

Description of Proposed Action by Public: Increase archery tag allocations.

Proposal Source: Rob Hill, Chairman, Lassen County Fish and Game Commission (letter dated March 28, 2007)

Recommendation: Reject

Analysis: Tag quotas recommended by the Department are established in conformance with management objectives contained within individual deer herd management plans. Herd performance data is usually collected in the fall, after the season for the zone has closed, and in the spring in order to determine over-winter survival and recruitment. An allowable buck harvest (ABH) is calculated using individual herd performance data, hunter demand for the type of tag available, and hunter success by method of take. Tag quotas are then set at a level that will not exceed the ABH. Therefore, because the Department uses a data-driven objective process to determine deer tag quotas, this proposal is rejected.

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**Section 361. Archery Deer Hunting**

Description of Proposed Action by Public: Supports implementation of a late season archery hunt in zones D3-5.

Proposal Source: Dennis Morgan (e-mail dated March 28, 2007)

Recommendation: Reject

Analysis: The Department consistently strives to optimize hunter opportunity so long as it is biologically and statutorily feasible. The Department's proposed regulations provide for numerous late season archery hunts. When herd performance meets individual deer management plan objectives and there is a specific substantial public demand for expanding late season archery hunting opportunity, the Department may recommend the implementation of such a proposal. At this time, herd performance data and the lack of local public support for expanded late season hunting does not support the recommendation for expanding late season archery hunting.



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**Section 361. Archery Deer Hunting**

Description of Proposed Action by Public: Increase archery tag allocations for A-20.

Proposal Source: Dennis Morgan (e-mail dated March 28, 2007)

Recommendation: Reject

Analysis: Tag quotas recommended by the Department are established in conformance with management objectives contained within individual deer herd management plans. Herd performance data is usually collected in the fall, after the season for the zone has closed, and in the spring in order to determine over-winter survival and recruitment. An allowable buck harvest (ABH) is calculated using individual herd performance data, hunter demand for the type of tag available, and hunter success by method of take. Tag quotas are then set at a level that will not exceed the ABH. Therefore, because the Department uses a data-driven objective process to determine deer tag quotas, this proposal is rejected.

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**Section 361. Archery Deer Hunting**

Description of Proposed Action by Public: Proposes increasing archery tag allocations with antlerless only tags.

Proposal Source: Patrick Alcisto (e-mail dated March 9, 2007)

Recommendation: Reject

Analysis: The deer herd management plans call for the harvest of antlerless deer as an important part of the overall management program. In addition, antlerless deer hunting as a management tool conforms to Section 1801 of the Fish and Game Code. However, Fish and Game Code sections 458 and 459 authorize the boards of supervisors of specified counties veto authority over the taking of antlerless and either-sex deer. The Department proposes antlerless and/or either-sex deer hunts when they are biologically and statutorily appropriate. At this time, broad-scale public support of antlerless harvest is lacking in many counties with veto authority. Although the Department recognizes the importance of and supports an increase in the harvest of antlerless deer, until local support for antlerless hunts is gained it is unlikely the Department will propose additional antlerless hunts, except in those counties where local support is favorable or counties do not have veto authority.

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**Sections 362. Nelson Bighorn Sheep**

Description of Proposed Action by Public: Opposed to hunting of bighorn sheep.

Proposal Source: Heather Campbell, CSERC (letter dated March 6, 2007)

Recommendation: Reject

Analysis: The Department is directed by Section 1801 (Fish and Game Code) to provide diversified use of wildlife resources, including hunting. Section 4902 (FGC) requires a quota of no more than 15 percent of the mature rams observed in the designated hunt zones. The proposed hunt follows these legal guidelines. The public recommendation is rejected because it would not allow diversified use of the bighorn sheep resource.

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**Section 363. Pronghorn Antelope.**

Description of Proposed Action by Public: Discontinue the annual hunting of Pronghorn Antelope due to their small population size.

Proposal Source: Heather Campbell, Environmental Associate, Central Sierra Environmental Resource Center (Letter dated March 6, 2007).

Recommendation: Reject

Analysis: Pronghorn antelope have been hunted continually since 1964 and their numbers continue to remain relatively stable with small annual fluctuations. California harvests around 5-8 % of the statewide antelope population each years. This is the third lowest annual harvest rate among nine western states that harvest antelope. Annual harvest of antelope is not a limiting factor for the population.

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**Section 364. Elk.**

Description of Proposed Action by Public: Discontinue the annual hunting of tule elk due to their small population size. Also against the proposed new San Luis Reservoir tule elk hunt due to their small population size. They believe hunting should wait until more secure levels are established that will not warrant tags to drop to zero in some years.

Proposal Source: Heather Campbell, Environmental Associate, Central Sierra Environmental Resource Center (Letter dated March 6, 2007).

Recommendation: Reject

Analysis: Tule elk have been hunted continually since 1989 and their numbers continue to grow each year. In 1970 tule elk were found in three locations with a population size of around 500 animals. Today there are 22 herds and over 3,800 animals throughout California. Hunting has proven not to be detrimental to their population size and expansion. Currently there are six areas that have public elk hunts for tule elk in California. Adding new areas to hunt tule elk is not detrimental to the overall population of tule elk within California and will have no negative impacts to the local population being hunted. The Department completes surveys to estimate population size within zones and then determines a recommended biological harvest. Tag quotas are given in ranges to account for fluctuations in population numbers from year to year. It is not anticipated that tag numbers will drop to zero unless there is some catastrophic event such as fire or disease that would temporarily require this reduction. The tag ranges give the Department the ability to account for such events on a year to year basis.

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**Section 364. Elk.**

Description of Proposed Action by Public: Proposing that the Department harvest more cow elk.

Proposal Source: Patrick W Alcisto (e-mail dated March 9, 2007).

Recommendation: Accept

Analysis: The Department analyzes data for each elk hunt within the state and then determines a biologically justified harvest for each herd. Cow harvest is authorized in many herds throughout the state and comprises a majority of the elk tags issued.

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**Section 364. Elk.**

Description of Proposed Action by Public: Against cutting the archery only tags for the Tinemaha elk zone. Proposes increasing the tags for archery and rifle.

Proposal Source: Richard Mangrum (e-mail dated March 28, 2007).

Recommendation: Reject

Analysis: The Owens Valley elk herd has a maximum limit (490) to the number of elk as stated in Fish and Game Code 3951. The herd is currently near that limit. Certain zones are far above the recommended management level, the Tinemaha herd being one of those herds. In an effort to increase the harvest a boundary change was implemented that would safely allow rifle hunters in the zone. In addition to the boundary change two new hunt periods were also added to all zones within the Owens Valley. The Tinemaha zone and West Tinemaha zone will have a total loss of 5 archery bull tags. There will be a gain of twenty seven general method antlerless tags and 4 general method bull tags. The Department believes this is the most effective way to quickly reduce the herd size down to a manageable level. Hunting regulations permit archery hunting during a general method hunt, so archery could be used in any hunt period for general methods. Tag allocation will be re-evaluated once the herd has been reduced to the desired management level. Tags will then be allocated on a demand success basis.

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**Section 364. Elk.**

Description of Proposed Action by Public: Against elimination of Owens Valley Region Wide Archery Only either-sex Hunt; questions how archery tags are allocated.

Proposal Source: Richard E. Vermillion (e-mail dated March 27, 2007).

Recommendation: Accept

Analysis: The Department has discussed the elimination of this hunt internally and with many concerned hunters and asked the Fish and Game Commission to adopt the no change alternative for this hunt so that it would continue the same as in previous years. At the April 25, 2007 Commission meeting the Commission adopted the no change alternative for this hunt. The Department will reevaluate the elk numbers and distribution within the Owens Valley and propose an alternative to eliminating this hunt for next year.

Tags are allocated based on a demand success ratio. Tag allocation quotas depend on what ratio of archery applicants and general method applicants apply for the hunts. After this ratio is determined then past success rates are reviewed for the various hunts. These two methods in combination are used to determine the allocation of tags between the various methods.



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**Section 364. Elk.**

Description of Proposed Action by Public: Expressing support for archery hunting in the Owens Valley.

Proposal Source: Sher Crawford (e-mail dated March 26, 2007).

Recommendation: Accept

Analysis: The Department believes this comment is in reference to the proposed elimination of the Owens Valley Region Wide Archery Only either-sex hunt. The Department has discussed the elimination of this hunt internally and with many concerned hunters and asked the Fish and Game Commission to adopt the no change alternative for this hunt so that it would continue the same as in previous years. At the April 25, 2007 Commission meeting the Commission adopted the no change alternative for this hunt. The Department will reevaluate the elk numbers and distribution within the Owens Valley and propose an alternative to eliminating this hunt for next year.

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**Section 364. Elk.**

Description of Proposed Action by Public: Against elimination of the Owens Valley Region Wide Archery Only either-sex hunt.

Proposal Source: Marie Mangrum. (e-mail dated March 25, 2007); Carl Lind. (e-mail dated March 25, 2007); Clifford White. (e-mail dated March 25, 2007); Greg Silva. (e-mail dated March 20, 2007); David Warner. (e-mail dated March 20, 2007); David and Patricia Silva (e-mail dated March 19, 2007).

Recommendation: Accept

Analysis: The Department has discussed the elimination of this hunt internally and with many concerned hunters and asked the Fish and Game Commission to adopt the no change alternative for this hunt so that it would continue the same as in previous years. At the April 25, 2007 Commission meeting the Commission adopted the no change alternative for this hunt. The Department will reevaluate the elk numbers and distribution within the Owens Valley and propose an alternative to eliminating this hunt for next year.

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**Section 364. Elk.**

Description of Proposed Action by Public: Increase the archery tags in the Owens Valley.

Proposal Source: Clifford White (e-mail dated March 25, 2007); David and Patricia Silva (e-mail dated March 19, 2007).

Recommendation: Accept with modifications

Analysis: The Owens Valley elk herd has a maximum limit (490) to the number of elk as stated in Fish and Game Code 3951. The herd is currently near that limit. Certain zones are far above the recommended management level. In an effort to increase the harvest several boundary change were implemented that would safely allow rifle hunters in the Tinemaha and West Tinemaha zone. In addition to the boundary changes two new hunt periods were also added to all zones. The Department believes this is the most effective way to quickly reduce the herd size down to a manageable level. Hunting regulations permit archery hunting during a general method hunt, so archery could be used in any hunt period for general methods. Tag allocation will be re-evaluated once the herd has been reduced to the desired management level.

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**Section 364. Elk.**

Description of Proposed Action by Public: Increase Owens Valley general method tags but not at the expense of the archery hunters.

Proposal Source: Greg Silva (e-mail dated March 20, 2007).

Recommendation: Accept with modifications

Analysis: The Owens Valley elk herd has a maximum limit (490) to the number of elk as stated in Fish and Game Code 3951. The herd is currently near that limit. Certain zones are far above the recommended management level. In an effort to increase the harvest several boundary change were implemented that would safely allow rifle hunters in the Tinemaha and West Tinemaha zone. In addition to the boundary changes two new hunt periods were also added to all zones. The Department believes this is the most effective way to quickly reduce the herd size down to a manageable level. Hunting regulations permit archery hunting during a general method hunt, so archery could be used in any hunt period for general methods. Tag allocation will be re-evaluated once the herd has been reduced to the desired management level.

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**Section 364. Elk.**

Description of Proposed Action by Public: Increase the number of archery tags available for the Owens Valley Archery Only either-sex hunt to 10 or 15. Allow the archery hunters and a certain number of rifle hunters either-sex tags, allow archery hunters to hunt first.

Proposal Source: David Warner (e-mail dated March 20, 2007).

Recommendation: Reject

Analysis: The Owens Valley elk herd has a maximum limit (490) to the number of elk as stated in Fish and Game Code 3951. The herd is currently near that limit. In an effort to increase the harvest several boundary change were implemented that would safely allow rifle hunters in the Tinemaha and West Tinemaha zone. In addition two new hunt periods were also added to all zones. The Department believes this is the most effective way to quickly reduce the herd size down to a manageable level. Tag allocation will be re-evaluated once the herd has been reduced to the desired management level. The region wide archery only hunt is currently an either-sex hunt and begins before any public elk hunts in the region. Either-sex tags do not allow the Department to obtain the desired harvest by sex. In order to reduce the population antlerless harvest is the most effective way to accomplish this. Additional either-sex tags would not help accomplish this goal.

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**Section 364. Elk.**

Description of Proposed Action by Public: Against reducing the number of archery bull tags in the Tinemaha and West Tinemaha zone.

Proposal Source: Robert D. Raney Jr, Robert D. Raney III, Kevin A. Strohm. (e-mail dated March 16, 2007).

Recommendation: Reject

Analysis: The Owens Valley elk herd has a maximum limit (490) to the number of elk as stated in Fish and Game Code 3951. The herd is currently near that limit. Certain zones are far above the recommended management level, the Tinemaha herd being one of those herds. In an effort to increase the harvest several boundary changes were implemented that would safely allow rifle hunters in the Tinemaha and West Tinemaha zone. In addition two new hunt periods were also added to all zones. The Tinemaha zone and West Tinemaha zone will have a total loss of 5 archery bull tags. There will be a gain of twenty seven general method antlerless tags and 4 general method bull tags. The Department believes this is the most effective way to quickly reduce the herd size down to a manageable level. Tag allocation is also based on demand. The Tinemaha archery bull tags (6) had a total of 181 people apply for them in 2006. The Lone Pine general method bull tags (4) had 1,325 people apply. Ten times as many applicants applied per tag for general tags in the Lone Pine zone than for an equivalent archery only hunt in the Tinemaha zone. The Department will re-evaluate tag allocation once the herd has been reduced to the desired management level. Additionally, hunting regulations permit archery hunting during a general method hunt, so archery equipment may be used in any hunt period for general methods.

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**Section 365. Bear**

Description of Proposed Action by Public: Recommends expanding the bear hunting area to include all of Modoc County

Proposal Source: Tom Carpenter (letter dated April 9, 2007)

Recommendation: Reject

Analysis: The Department is aware of black bears in western Modoc County; however, little information beyond the number of depredation permits issued and number of bears taken under those permits exists for that area. There is too little empirical population data available to support a factual basis for showing a need to hunt bears in western Modoc County. The Department does see merit in the proposal and will plan to collect additional information to supplement the depredation data to assist with a determination about expanding the bear hunt area to include all of Modoc County.